



Jim Doyle, Governor  
Mary P. Burke, Secretary

## Wisconsin Department of Commerce, Bureau of PECFA

### Bid Document

#### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 45  
**Comm #:** 53590-3161-05  
**BRRTS #:** 03-13-002856  
**Site Name:** Open Pantry Food Mart  
**Site Address:** 1705 West Main Street, Sun Prairie, 53590  
**Site Manager:** Ralph Smith  
**Address:** 201 W. Washington Avenue PO Box 8044  
**City, State Zip:** Madison, WI 53708-8044  
**Phone:** (608) 261-6543  
**e-mail:** Ralph.Smith@Wisconsin.gov  
**Bid Manager:** Ralph Smith  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-6543  
**e-mail:** Ralph.Smith@Wisconsin.Gov

<b>Bid-Start Date:</b>	<b>September 18, 2006</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>October 02, 2006, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>October 20, 2006</b>
<b>Bid-End Date and Time:</b>	<b>November 03, 2006, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**Action Legal-Madison, 1 E Main, Madison, WI 53703**

**Phone: (608) 663-1041**

**Fax: (608) 663-1045**

## SECTION 2 – Site-Specific Bid Requirements

### A) Bid Manager Comments

#### 1) General Comments:

This site was previously bid in public bid round 27. All activities requested per the bid specification and cap modification activities were completed, and case closure was not approvable upon further review. The case file and the submitted GIS Registry Package will need to be referenced for the updated reports & re-submittal of the GIS Registry Package, for completion of activities requested per this bid. GIS Registry fees have been paid by the Responsible Party to the DNR. Groundwater table is about 10 feet below ground surface, and competent bedrock has not been encountered at this site. Utility corridors appear to not be an issue for this site. There are no known receptors for this site.

#### 2) Minimum Remedial Requirements:

The groundwater sampling data is not free of seasonal variation. An appropriate number and frequency of sampling rounds needs to be conducted consistent with the requirements set forth in Appendix A of NR 746 in order to attain closure for this site. Additional groundwater data collection is necessary to determine that the plume is stable, and/or declining.

Groundwater sampling of monitoring wells MW1 (if not dry), MW2, MW-3R, TW-1, MW-5, and MW-6 (if not dry) for PVOCs + naphthalene for four quarters for a period of one year is necessary. Including the following RNA parameters - dissolved N-Nitrate, dissolved sulfate, and dissolved iron once only in the last sample event (quarter four). All the monitoring wells shall be used to collect groundwater elevation data (using geodetic datum). The following field measurements shall be tested – pH, conductivity, dissolved oxygen, redox, and temperature -- quarterly for period of one year from the wells mentioned above.

Wells	Frequency	Parameters
MW1, MW2, MW-3R, TW-1, MW-5, MW-6	Quarterly	PVOCs plus naphthalene, and Natural Attenuation indices in frequency cited above.

**\*\*Subject to Sampling and Analysis plan review and change by the Commerce Project Manager. The sampling locations, frequency, & parameters may be modified depending on first round sample results and recommendations of the consultant.**

A final report shall be submitted to include tabulated results for all historical groundwater analytical results collected during the entire site investigation and all historical groundwater elevation data. Groundwater flow direction shall also be calculated and presented on site plans for each quarterly groundwater sampling event. Site plans depicting the extent of residual groundwater contamination shall also be submitted.

Update the site map to include the configuration of all the existing fuel delivery system components.

Any waste generated as a result of this scope of work shall be disposed of appropriately. Waste disposal costs must be included on page 2 of the bid response.

Missing/destroyed monitoring wells TW-2 and MW-3 appear to be paved over (NF - not found as buried under asphalt). These wells need to be located and properly abandoned per NR 141, if possible. Location costs for these two wells (TW-2 and MW-3) are not PECFA-eligible. If proper abandonment of these missing/destroyed monitoring wells is not possible, then a soil deed notice will potentially be required per NR 141 to obtain case closure approval for this site. A detailed conditional closure approval letter from Commerce may be sufficient to address public notification requirements for missing/destroyed monitoring wells per the NR 700 rule series in the near future.

### 3) Reporting Timeframes:

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there maybe additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

### 4) Claim Submittal:

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is receive will not be reimbursed to the claimant. Claim preparation costs must be included in the Total Bid Amount and is considered within the reimbursement cap.

## **B) Questions and Answers**

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the

PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

### **SECTION 3 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

### **SECTION 4 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed directly to the program. Documents received by fax will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 5 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

- 1) Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
- 2) Failed to complete the scope of work in a bid in a timely manner.
- 3) Failed to follow DNR rules on the bid project.
- 4) Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
- 5) In any prior occurrence that has been publicly bid, failed to do either of the following:
  - a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6) Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
- 7) Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

**BID RESPONSE**  
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Department of Commerce PECFA Program

**SITE NAME: Open Pantry Food Mart**  
**COMMERCE #: 53590-3161-05**  
**BRRTS #: 03-13-002856**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2790 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License # _____
<input type="checkbox"/>	Professional Geologist	License # _____
<input type="checkbox"/>	Hydrologist	License # _____
<input type="checkbox"/>	Soil Scientist	License # _____



Use this box to certify (by marking with a check or X) a commitment to complete the work described in the bid specifications in its entirety for the Total Bid Amount proposed below. Failure to provide this performance assurance will disqualify this bid response. Providing unsolicited qualifications and/or contingency statements in your bid submittal will disqualify the bid response.

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].

**BID RESPONSE**  
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Department of Commerce PECFA Program

**SITE NAME: Open Pantry Food Mart**  
**COMMERCE #: 53590-3161-05**  
**BRRTS #: 03-13-002856**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Groundwater Sampling quarterly for PVOCs + Naphthalene for period of one year in six wells. Quarter four (last sample event) include RNA parameters one sample event only. This includes per diem costs and mileage.	\$	
2	Comm 47.70 Reporting Requirements for period of one year.	\$	
3	Waste Disposal (includes mileage and per diem)	\$	
4	Other (Explain, if needed)		
5	PECFA Claim Preparation	\$	
6	<b>Total Bid Amount</b>	<b>\$</b>	
7	Contingency costs for quarterly sampling for period of one year for six wells for PVOCs + naphthalene (includes per diem and mileage.)	\$	
8	Contingency costs for Comm 47.70 Reporting Requirements for period of one year.	\$	
9	Other (Explain, if needed)	\$	
10	Contingency costs for closure costs, GIS Registry addendum, well abandonment, deed notice (if necessary), waste disposal, and includes per diem and mileage costs.	\$	